

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TROWBRIDGE, Minor.

UNPUBLISHED
June 22, 2010
No. 295129
Ingham Circuit Court
Family Division
LC No. 08-001405-NA

Before: METER, P.J., and SERVITTO and BECKERING, JJ.

PER CURIAM.

Respondent S. Goforth appeals as of right from the trial court's order terminating his parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

In termination proceedings, both the trial court's decision that a ground for termination has been proven by clear and convincing evidence and its best-interests determination are reviewed for clear error. MCR 3.977(K); *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009). "A finding is 'clearly erroneous' [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (internal citation and quotation marks omitted).

The trial court did not clearly err in finding that the statutory ground for termination under MCL 712A.19b(3)(c)(i) was established by clear and convincing evidence. The conditions leading to adjudication were respondent's emotional problems, including mental-health and anger-management issues, and domestic violence by respondent against the child's mother. While respondent and his brother maintained that sufficient progress was made in correcting respondent's emotional problems, therapist testimony suggested the contrary. When there is contradictory evidence, deference should be given to the trial court because of "the trial court's special opportunity to judge the credibility of the witnesses who appeared before it." MCR 2.613(C). The trial court found that respondent had not improved his emotional stability and anger-management skills because respondent seemed threatening and menacing while testifying. It should also be noted that respondent was not able to make sufficient progress in therapy with four different therapists. Respondent appeared to make some progress with various courses, according to instructor testimony and testimony from respondent's brother, but because of respondent's lack of overall emotional stability his minimal progress was not enough to consider his pertinent condition rectified. The evidence also established that respondent would not be able to rectify this condition within a reasonable time considering the child's age, the amount of time that had already elapsed, the lack of any significant progress, and the amount of therapists

seen and their conclusion that while respondent was improving, he was not achieving treatment goals.

Likewise, the trial court did not clearly err in finding that a statutory ground under MCL 712A.19b(3)(c)(g) had been established. During the pendency of the case, respondent, while claiming he was employed and paid in cash, did not provide any verification of income to the foster care worker. Respondent also testified that he resided in Portland, Michigan, with his brother, but he also provided nine addresses to the foster care worker. Based on respondent's lack of stable housing and employment, his lack of emotional stability, and his lack of progress throughout these proceedings, he was unable to provide proper care and custody for the child at the time of the termination hearing and was not likely to be able to provide proper care and custody within a reasonable time considering the child's young age.

Moreover, the trial court did not clearly err with regard to the statutory ground in MCL 712A.19b(3)(c)(j). Given respondent's conduct, there was a reasonable likelihood of harm to the young child if she were placed in respondent's home. Although respondent never assaulted or abused the child, he assaulted the child's mother on several occasions, threatened caseworkers and hospital staff, and was arrested for assaulting his roommate shortly before the termination hearing. Although respondent's brother testified that respondent was no longer scary, the trial court did not agree and found respondent's demeanor while testifying to be menacing and threatening.

Finally, the trial court did not clearly err in its best-interests determination made under MCL 712A.19b(5). The minor child stayed in the hospital for months following her premature birth and then was placed directly into foster care. Although respondent visited the child in the hospital, attended parenting time until it was suspended, and was concerned about her welfare, he nevertheless acted inappropriately at these meetings by, among other things, undermining the child's caseworker, and ultimately parenting time was suspended. The only testimony regarding respondent's bond with the child concerned whether he was able to put her needs ahead of his own. Because of respondent's lack of emotional stability, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Patrick M. Meter
/s/ Deborah A. Servitto
/s/ Jane M. Beckering